

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 JAMES EDWARD CURTIS,

8 Plaintiff,

9 v.

10 TERRY J. BENDA, et al.,

11 Defendants.

No. C08-5109 FDB/KLS

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION,  
AND ORDER GRANTING MOTION FOR  
CONTINUANCE

12 This matter is before the court on Plaintiff's "Motion for Leave to File Overlength  
13 Response to Dkt. # 82" (Dkt. 97), and a Motion for Extension of Time to File Response to  
14 Defendants' Motion for Summary Judgment. Dkt. 99. Having considered the motions, the court  
15 finds and orders as follows:

16 *DISCUSSION*

17 Plaintiff's first motion, requesting leave to file a 185 page overlength brief, is essentially  
18 a motion for reconsideration of the court's Order granting Defendants' motion to strike  
19 Plaintiff's response and directing Plaintiff to file a response in compliance with Local Rule CR  
20 7(h)(1). Dkt. 96. Motions for reconsideration are disfavored and will ordinarily be denied in the  
21 "absence of a showing of manifest error in the prior ruling or a showing of new facts or legal  
22 authority which could not have been brought to [the Court's] attention earlier with reasonable  
23 diligence." Local Rule CR 7(h)(1). Here, Plaintiff has identified no error in the court's Order  
24 nor has he presented any new facts or legal authority suggesting that reconsideration is  
25 appropriate.  
26

ORDER GRANTING MOTION TO STRIKE - 1

However, the court finds that a thirty day extension of time for Plaintiff to file his response to Defendants' motion for summary judgment is reasonable.

Accordingly, it is **ORDERED**:

1) Plaintiff's motion for leave to file overlength response (Dkt. 97) is **DENIED**.


2) Plaintiff's motion for an extension of time to file a response to Defendants' motion for summary judgment (Dkt. 99) is **GRANTED**; Plaintiff may file his response on or before **April 5, 2010**.

3) Defendants are granted leave to reply to Plaintiff's replacement brief **on or before April 9, 2010.**

4) Defendants' motion for summary judgment (Dkt. 82) is **renoted for April 9, 2010.**

5) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

DATED this 23rd day of February, 2010.

  
Karen L. Strombom  
United States Magistrate Judge